

# Notice of Allowability

Application No.

10/627,770

Examiner

David N. Spector

Applicant(s)

NISHIOKA ET AL.

Art Unit

2873

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Restriction/Election (FAOM).
2. ☒ The allowed claim(s) is/are 9-25.
3. ☒ The drawings filed on 28 July 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 1003/(10-28-2003)
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other DETAILED ACTION.

**DETAILED ACTION – ALLOWANCE*****Election/Restrictions***

1. Applicant's election without traverse of claims 9-25 in the reply filed on August 24, 2003 is acknowledged. This application is now in condition for allowance except for the presence of claims 1-8 and claims 26-42 drawn to inventions non-elected without traverse. Accordingly, claims 1-8 and claims 26-42 have been cancelled.

***Reasons for Allowance***

2. Claims 9-25 are allowed. A statement of the examiner's reasons for allowance follows. The instant application is directed to reducing the relative size, weight, and power consumption for particular optical imaging apparatus by effectively using one or two variable surface configuration mirrors together with other optical elements/components in a variety of novel arrangements as recited in applicant's independent claims (*e.g. changes in the surface configuration(s) of said variable mirror(s) are employed to perform focusing, zooming, and other typical optical functions which are typically performed by moving one or more lenses along the axis of a given apparatus*). More specifically, Independent claim 9 recites, *inter alia*, a novel arrangement wherein first and second variable mirrors, and an image-pickup device are deployed in particular order about a free curved surface prism (Claim 9, Lines 10-25); independent claim 14 recites, *inter alia*, a novel arrangement wherein a single variable mirror, and an image-pickup device are deployed about a free curved surface prism (Claim 14, Lines 10-18); independent claim 16 recites, *inter alia*, a novel arrangement wherein first and second variable mirrors, and an image-pickup devices are deployed in a specific geometry (Claim 16, Lines 9-19), while independent claim 17 recites, *inter alia*, another novel arrangement wherein first and second variable mirrors, and an image-pickup devices are deployed in slightly different specific geometry (Claim 17, Lines 9-19) (*e.g. only the location of the image-pickup devices varies between the apparatus comensurate with claims 16 and 17*); and, finally, independent claim 21 of the instant application recites, *inter alia*, yet another novel arrangement wherein first and second variable mirrors, and an image-pickup device are deployed in particular order about a free curved surface prism (Claim 9, Lines 10-25). The prior art taken either singly or in combination fails to anticipate or fairly suggest the limitations of applicant's independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The claimed invention is therefore considered to be in condition for allowance as being novel and nonobvious over prior art.

Art Unit: 2873

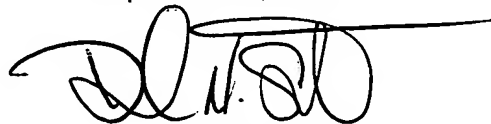
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Other Remarks/Information***

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5. Any other inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (571) 272-2338. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. The fax number for the organization where this application is assigned is (703) 872-9306.

September 2, 2004

A handwritten signature in black ink, appearing to read 'D. N. Spector', with a long horizontal line extending to the right.

DAVID N. SPECTOR  
PRIMARY EXAMINER